

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Dietschi et al.	Examiner:	Tapolcai, William E.
Serial No.:	10/539,911	Group Art Unit:	3744
Filed:	June 16, 2005	Docket:	1325-5 PCT/US
Confirmation No:	8413	Dated:	March 31, 2009
For:	FLUID COOLING SYSTEM, COOLED FLUID DISPENSER COMPRISING THE LATER, AND METHODS FOR STERILIZATION THEREOF		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Primary Examiner,  
mailed October 15, 2009, finally rejecting Claims 1-4, 8, 10, 11, 13, 14, 16, 17, 19-22 and 37-45.

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

☐ other than a small entity.  
☒ small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

**Certificate of EFS-Web Transmission**

I hereby certify that this correspondence is being transmitted  
to the U.S. Patent and Trademark Office via the Office's  
electronic filing system on March 31, 2009.

Michelle Flaherty

(Printed Name)

Signature:                     /michelle.flaherty/

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 41.20(b)(1), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/>	small entity	\$270.00
<input type="checkbox"/>	other than small entity	\$540.00

Notice of Appeal fee due **\$270.00**

3. **EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (A) or (B), as applicable)

- (A) ☒ Applicants petition for an extension of time under 37 CFR 1.136 for the total number of months checked below (fees: 37 CFR 1.17(a)-(d)):

	Extension (months)	Fee for Other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
<input type="checkbox"/>	one month	\$ 130.00	\$ 65.00
<input type="checkbox"/>	two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/>	three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/>	four months	\$1,730.00	\$ 865.00

Fee due for indicated extension **\$555.00**

(check and complete the next item, if applicable)

- ☒ An extension for 2 months has already been secured. The fee paid therefor of **\$ 245.00** is deducted from the total fee due for the total months of extension now requested.

- (B) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$ <b><u>270.00</u></b>
Extension fee (if any)	\$ <b><u>310.00</u></b>

TOTAL FEE DUE **\$ 580.00**

5. FEE PAYMENT

☐ Attached is a check in the sum of \$ \_\_\_\_\_.

☒ Charge Account No. 08-2461 the sum of \$ 580.00

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

☒ If any additional extension and/or fee is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

AND/OR

☒ If any additional fee for claims is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

Respectfully submitted,

/steven t zuschlag/

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